

REMARKS

I. Introduction

Claims 1-27 were presented for examination and were rejected. By this amendment, applicants have amended claims 1-6 and 10-16 and cancelled claim 11. Reconsideration and allowance are respectfully requested.

II. Rejections Based on Harper, U.S. Patent No. 5,537,141

The examiner rejected claims 1, 3-9, 11-13, and 15-27 as being anticipated by Harper. The examiner contends that Harper discloses the invention as claimed, and that claims 2 and 14 are unpatentable over Harper in view of Dunn. The examiner contends that Harper discloses a personal interactivity recorder (PIR) having a functionality of a VCR and a set top box. The examiner concedes that Harper does not disclose that the storage device includes functionality for fast forward, rewind, and pause, but the examiner cites Dunn for these features. Claim 10 was rejected under §103 as being “anticipated by” [sic, unpatentable over] Harper in view of Bolnick. The examiner concedes that Harper does not disclose that the PIR stores and plays back messages sent by other viewers using a chat functionality, but the examiner cites Bolnick for providing such a feature at paragraph 34 and in claim 12. Applicants traverse these rejections.

Harper relates to an interactive distance learning system in which the main point is the ability to provide different audio responses to a student based on a student’s answer to a question. The idea is to use multiple audio channels: “as opposed to providing interactivity via multiple video channels, the provision of interactivity via multiple audio channels allows existing systems to be used.” (Col. 5, lines 8-10). The system uses “one video signal with a plurality, two or more, of related embedded audio signals from a teacher control unit to multiple remote site locations.” (Col. 5, lines 23-30). An example is provided at col. 25, lines 66 et seq. As indicated here, if a student gives an incorrect answer, a voice response describes how to get the correct answer; if a student gives a correct response, a different audio clip is played. These different audio responses are received by a classroom master unit where the video, audio, and data are extracted, and the audio is provided to a classroom master unit processor 178 (FIG. 1).

The user then responds on a keypad, and the local processor 178 provides one of several different audio options. In addition, the answers can also be provided back to the teacher control system for statistical purposes.

In the system in Harper, all the data is transmitted from one source in one feed as represented by the RF line in FIG. 1, and then it is all provided together to an extractor 174 that extracts the video, audio, and data. Because a single feed is provided, there is no need to “temporally associate” different groups of information on the receiving end, or to associate them together during playback, because essentially the system is all operating on one feed.

For a claim to be anticipated, the cited reference must disclose all of the elements of a claim. Claim 1 includes a personal interactivity recorder “receiving and storing interactive content from a server system separately from the broadcast of the broadcast event.”

The examiner had cited four sections of Harper for providing the previous storing limitation beginning at columns 3, 5, 6 and 19. In the section beginning at column 3, it states that “classroom scheduling conflicts or in different time zones can simply record the earlier broadcast and play back the interactive program at a later more convenient time. Recordability is possible since the audio and data driving the keypads at the remote cites are imbedded in the video signal creating a one-way broadcast technology.” (Col. 3, line 64 – col. 4, line 2). This indicates that the recording is possible like any other recording because the signals are already imbedded in the video signal, but there is no indication of a recorder associating a broadcast event with interactive content provided from a server. The other sections identified by the examiner, namely col. 5, lines 7-37; col. 6, lines 42-57; and col. 19, lines 21-29 also do not teach or suggest the personal interactivity recorder as recited in claim 1.

In the examiner’s response to arguments, the examiner mischaracterizes Applicants’ prior argument as saying that “the reference does not teach associating a broadcast event with interactive content provided from a server.” The issue is not whether there is some association, but whether the recorder at the user end performs the association as claimed. The examiner refers to this feature passively, namely that the question “is associated with the broadcast lecture temporally.” Again, it is not a user-based recorder that is performing this temporal association, but is being done in the creation process.

In addition, other claimed features include the use of time codes or frame sequence numbers. The examiner cites several sections of Harper as supporting these features, but it is unclear how these sections disclose storing interactive content provided from a server system related to a broadcast event and temporally associating the interactive content with the broadcast event. The system of Harper broadcasts the video along with the data and audio content, so that there is no apparent need for the recorder to temporally associate the interactive content with the broadcast event. The examiner also indicates that it would have obvious to modify using a chat functionality as in claim 7. However, the thrust of Harper appears to be a one-on-one student to teach relationship, so a modification of this type would interfere with that relationship, and thus be contrary to the purpose of Harper.

To make these differences more clear, applicants are providing further amendments to claim 1 to make clear that the interactive content is received from a server separately from a broadcast of a broadcast event and that the interactive content is not embedded in the broadcast signal. Naturally, in prior systems, when graphics such as polls and poll results are displayed within a broadcast event, playing back the broadcast event will merely display the poll results that were part of that broadcast signal. In the system described in the application, however, the interactive content is received separately from the broadcast signal but is stored for playback in such a way that it appears when it would have appeared during the broadcast. The statement in the claims about the interactive content not being embedded in the broadcast signal is disclosed in the specification through the disclosure of separate channels as described in the text and as shown in Figure 8 of the application. Consequently, it is believed that no new matter has been added.

Claim 13 includes similar language to claim 1, namely “stor[ing] interactive content related to the broadcast event and received over a separate channel from the broadcast event..., the PIR temporally associating the interactive content with the broadcast event.” For reasons similar to those described in connection with claim 1, claim 8 should also be allowed.

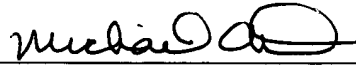
With respect to the other references that are cited, these do not provide the missing components, but are cited for other features.

The dependent claims should be allowable at least for the same reasons as independent claims 1 and 13.

All claims should now be in condition for allowance, and accordingly a notice of allowance is respectfully requested. If there are any remaining issues, the examiner is urged to contact applicant's attorney at the telephone number listed below.

Respectfully submitted,

Date: February 17, 2006



Michael A. Diener
Registration No. 37,122
Attorney for Applicant

Wilmer Cutler, Pickering
Hale and Dorr LLP
60 State Street
Boston, Massachusetts 02109
Tel: (617) 526-6454
Fax: (617) 526-5000